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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,113	12/02/2003	Qin Zhengdi	915-007.057	4411

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EXAMINER

FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/727,113

Applicant(s)

ZHENGDI, QIN

Examiner

Marisol Figueroa

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed on 4/13/2006 have been fully considered but they are not persuasive.

Applicant argues, as related to claim 1, that claim 1 requires a "specific network element" and an "other network element", which are different elements, and that Soliman in combination with Kuwahara does not teach that the geographic distance between a phone and a targeted pilot is from the "other network element", it is just the signal received that is to fall within the search window.

The Examiner respectfully disagrees with the Applicant. It is notoriously well known that a target pilot originates from a base station, i.e. network element, therefore, the geometric distance between the targeted pilot and the phone, would comprise the distance of the mobile phone to the base station. Furthermore, Kuwahara teaches as shown in figure 1, that the wireless terminal receives information from three base stations (i.e. A, B, and C). One of the base stations (e.g. BS A) being the "specific network element" and one of the others base stations (e.g. BS B or C) being the "other network element". Therefore, the combination of Kuwahara and Soliman provides for determining a search window based on location information available for the "specific network element" and on a known distance between the mobile station to at least one "other network element".

Applicant also argues, as related to claim 1, that the newly introduced limitation which says "search window increases an acquisition probability for said signal" is not disclosed in the previously cited references and neither in Yamamoto which was cited as disclosing this feature.

The Examiner respectfully disagrees with the Applicant. On col. 6, lines 11-23; Yamamoto teaches the terminal unit evaluates the delay of pilot signals within a search window, which is variably set based on the evaluation, and in this way signals are detected in the search window. Furthermore, teaches that the search window provides the advantage that "even in a fading environment where the arrival timing of the pilot signal is considerably changed or in an environment where the arrival timing of the pilot signal is considerably delayed, the probability of failure to detect a pilot signal can be suppressed low". In other words, the search window increases the probability of detecting signals.

Applicant also argues, as related to claim 12, that Chen discloses that a separate search window is provided for each of the several network elements and that this contradicts the teachings of Yamamoto, which requires that all pilot signals to be received within a single search window. The Examiner respectfully disagrees with the Applicant. While Yamamoto describes providing a search window for a single base station, Yamamoto does not restrict his invention to a system with a single base station. As is well known in the art, mobile communication systems provide multiple base stations with overlapping coverage. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Yamamoto to include multiple base stations and search windows, as taught by Chen, in order to increase the probability of detection of signals from each base station of a mobile communication system.

For the reasons stated above the rejection stated in the Final Action is maintained. .



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SUPERVISORY PRIMARY EXAMINER